

**REMARKS/ARGUMENTS**

Claims 1-5, 7-12 and 14 are pending in the above application.

The Office Action dated September 10, 2010, has been received and carefully reviewed. In that Office Action, claims 1-5, 7-12 and 14 were rejected under 35 U.S.C. 102(e) as being anticipated by Graske. It is believed that all claims are allowable over the art of record, and reconsideration and allowance of all claims is respectfully requested in view of the above amendments and the following remarks.

As an initial matter, it is noted that the above amendment replaces the word “effected” with the word “affected” in the claims. It should be clear from the context of the claims and application that this latter spelling was intended, and it is respectfully submitted that this change does not affect the scope of claims 7 and 14, which, as discussed below, have otherwise merely been rewritten in independent form.

Claim 1 is rejected under 35 U.S.C. 103(a) as being anticipated by Graske. As amended, claim 1 recites a method for a cell phone service provider to communicate to a cell phone user, who is located in a particular local geographical area, an alert message that affects that particular local geographical area. The method includes receiving the alert message from a reporting agency, the message containing information as to locations affected, determining that the user is located in the geographical area, and providing to the user at least one communication advising him of the alert message. The method also includes identifying a destination in the at least one communication and communicating to the user directions from his present location to the destination. The Office Action addressed a similar limitation in the rejection of claim 7 and indicated that Graske teaches communicating to a user directions from a

present location to a destination because Graske teaches “monitoring locational movement of mobile station and sending alert to location.” It is respectfully submitted that monitoring the location of a user does not constitute identifying a location and communicating to a user directions from a present location to the destination. At least this limitation of claim 1 is not satisfied by Graske, and claim 1 is submitted to be allowable over Graske for at least this reason.

If the rejection of claim 1 is maintained, it is respectfully requested that the examiner explain for the record how Graske informs a user of a location and provides the user with directions from a present location to the destination so that the basis for the rejection will be clear in the record.

Claims 2-4 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

Claim 8 recites a system for communicating from a cell phone which includes apparatus limitations related to the limitations of claim 1. It is respectfully submitted that claim 8 as amended is allowable over Graske for at least the reasons provided above in connection with claim 1.

Claim 5 recites a method for a cell phone service provider to communicate to a cell phone user, who is located in a particular local geographical area, an alert message that affects that particular local geographical area. The method involves receiving the alert message from a reporting agency, the message containing information as to locations affected, determining that the user is located in the geographical area, and providing to the user at least one communication advising him of the alert message. The method also includes permitting the user to limit the frequency at which said

communications are provided to him. The Office Action indicates that the limitation “permitting the user to limit the frequency at which said communications are provided to him” is satisfied because the user can specify a time period after which communications are no longer desired. It is respectfully submitted that instructing a service to provide communications until 3:00 pm, for example, does not constitute setting a frequency at which the communications are provided. Instead, the communications could be sent once every five minutes or once every hour, and the user has no control over this frequency. Setting a cut off time after which communications are no longer desired does not constitute setting a frequency for receiving alert messages, and claim 5 is submitted to be allowable for at least this reason.

If the rejection of claim 5 is maintained, it is respectfully requested that the examiner explain in greater detail why one of ordinary skill in the art would interpret setting a time after which communications cease as limiting of a frequency at which communications are provided.

Claim 12 recites a system for communicating from a cell phone which includes apparatus limitations related to the limitations of claim 5. It is respectfully submitted that claim 12 as amended is allowable over Graske for at least the reasons provided above in connection with claim 5.

Claim 7 has been rewritten in independent form, but the scope of the claim has not changed. Among the limitations of claim 7 is a recitation of communicating to the user directions from his present location to a destination. This limitation is not satisfied by Graske for the reasons provided above in connection with claim 1. Claim 7 is therefore submitted to be allowable for at least the reasons provided in connection with

claim 1.

Claim 14 has also been rewritten in independent form, but the scope of this claim has not changed. Claim 14 recites a system for communicating from a cell phone which includes apparatus limitations related to the limitations of claim 7. It is respectfully submitted that claim 14 as amended is allowable over Graske for at least the reasons provided above in connection with claim 7.

### **CONCLUSION**

Each issue raised in the Office Action dated September 10, 2010, has been addressed, and it is believed that claims 1-5, 7-12 and 14 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited. If the examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact the undersigned at the telephone number listed below.

*Deposit Account Authorization*

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,

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